

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JOAN E HOWLETT

Claimant

APPEAL NO. 09A-UI-06334-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA CATHOLIC CONFERENCE

Employer

Original Claim: 03/22/09

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 17, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on May 20, 2009. Claimant responded to the hearing notice instructions but was not available when the hearing was called and did not participate. Employer participated through Chris Aldinger and Julie Stimpkin and was represented by Paul Jahnke.

ISSUE:

The issue is whether claimant quit the employment without good cause attributable to the employer or if she was discharged for reasons related to job misconduct sufficient to warrant a denial of unemployment benefits.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant most recently worked full-time as a daycare provider and was separated on March 25, 2009, when she failed to report for a meeting with Business Manager Chris Aldinger about why she left work on March 20 without notice to or authorization from her immediate supervisor, Andrea Hall, or Director Julie Stimpkin. She told a coworker she was leaving but did not seek out Hall, who was in the kitchen, and only called Stimpkin after she had left the facility. She also refused correspondence sent to her by certified mail, return receipt requested on March 26. Her job was not in jeopardy and continued work was available. She claimed she was ill and was prescribed a cough syrup and antibiotics but was able to drive herself home and to the doctor. She was released to return to work on March 24 but did not attend the March 25 meeting and was seen working at Hy-Vee on March 23, 24, and 25. No one told her she could not return to work or that she was not fired. She said she did not want to return to the facility during conversations with Stimpkin on March 20 and Aldinger on March 20 and 21.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Generally, when an individual mistakenly believes they are discharged from employment but was not told so by the employer and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer. Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

Since no one told her she was fired, claimant's leaving during her shift without notice or authorization on March 20 and her failure to attend a meeting on March 25 because she erroneously assumed she had been or would be fired were not good-cause reasons attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The April 17, 2009, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw